

REMARKS

Status Of Application

Claims 1-19 were pending in the application; the status of the claims is as follows:

Claims 1-19 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-19 are rejected under 35 U.S.C. § 101 because the claimed invention is not supported by either a specific or substantial asserted utility or a well established utility.

The Office Action does not acknowledge a claim for foreign priority under 35 U.S.C. § 119 (a)-(d), which is contained in the Declaration and Power of Attorney. Submitted herewith is a copy of the postcard receipt showing that the U.S. Patent and Trademark Office acknowledged receipt of the Certified Copy of Priority Document on December 10, 2003. Acknowledgement of our claim for foreign priority and receipt of the priority document is respectfully requested.

The indication, in the Office Action, that the Examiner has no objections to the drawings filed on December 10, 2003, is noted with appreciation.

Information Disclosure Statement

Enclosed are copies of JP 63-41000 and the Notification of Reason(s) for Refusal dated September 6, 2005 which were omitted from the Information Disclosure Statement filed on January 30, 2006 (mailed to the PTO on January 25, 2006). A new PTO Form 1449 showing the correct document (2) is also attached for the Examiner to initial and return. Applicants respectfully request your reconsideration of the foreign documents.

Claim Amendments

Claims 1, 3, 6-8, 10, 11 and 16-18 have been amended to correct informalities. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

Claims 2, 5, 9, 12-15 and 19 have been canceled.

35 U.S.C. § 112 Rejection

The rejection of claims 1, 3, 6-8, 10, 11, and 16-18 under the first paragraph of 35 U.S.C. § 112 as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, is respectfully traversed based on the following.

The Office Action states that “Claim 1 (similarly claims 12 and 16) recites a determining unit determining said trigger signal as a valid signal when no change is detected in images in said detector within a predetermined time from the input of said trigger signal to said signal input unit; this is in contradiction with the specification and/or drawings.” Applicants respectfully disagree with this assertion. The limitation of claim 1 in question currently reads:

a determining unit which determines that said trigger signal is a valid signal when said detector detects no change in the images within a predetermined time from the input of said trigger signal to said signal input unit; and ...

This limitation is illustrated in Figure 3. In step S15, it is determined if object movement is detected. If no movement is detected in a predetermined time, *i.e.* a TIMEOUT occurs, the process branches to step S20 (¶ [0046]). If the TIMEOUT is determined to be abnormal in step S20, the trigger signal is determined to be valid at step S21. These steps are performed by the hardware illustrated in Figure 1. Therefore, a determining unit as claimed

is fully described in the specification. Claims 3, 6-8, 10, 11 include this limitation by dependency from claim 1, and are thus also fully supported. Claim 16 includes a limitation of “determining said trigger signal is a valid signal when no change is detected in the images within a predetermined time from the input of said trigger signal.” As noted, this step is clearly supported by the specification. Claims 17 and 18 include this limitation by dependency from claim 16, and are thus also fully supported.

Accordingly, it is respectfully requested that the rejection of claims 1, 3, 6-8, 10, 11, and 16-18 under the first paragraph of 35 U.S.C. § 112 as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, be reconsidered and withdrawn.

35 U.S.C. § 101 Rejection

The rejection of claims 1, 3, 4, 6-8, 10, 11 and 16-18 under 35 U.S.C. § 101 because the claimed invention is not supported by either a specific or substantial asserted utility or a well established utility, is respectfully traversed based on the following.

Applicants respectfully submit that the rejected claims are supported by a specific asserted utility. As noted above with regard to the rejection under 35 U.S.C. § 112, the rejected claims are fully supported by the specification. The utility of this process is specifically stated in paragraph [0060] of the specification. Therefore, the claims are supported by a specific asserted utility and comply with 35 U.S.C. § 101.

Accordingly, it is respectfully requested that the rejection of claims 1-19 under 35 U.S.C. § 101 because the claimed invention is not supported by either a specific or substantial asserted utility or a well established utility, be reconsidered and withdrawn.

New Claims

New claims 20-32 similarly are fully supported by the specification. Specifically, claims 20-28 are similar to claim 1 and its dependent claims except that the limitations of the determining unit include both when the trigger signal is invalid as well as valid. Claim 29 is directed to a computer readable medium including a computer program to perform a process including a limitation of determining if the trigger signal is invalid as well as valid. Claims 30-32 are directed to a process including a limitation of determining if the trigger signal is invalid as well as valid. These claims are fully supported by the specification and patentably distinct from the cited prior art.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by 2 from 3 to 5 and increases the total number of claims by 4 from 20 to 24, but does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$620.00 to be charged to Sidley Austin LLP Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin LLP Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Application No. 10/733,493
Amendment dated November 30, 2007
Reply to Office Action of August 8, 2007

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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